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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

<b>DUANE HOPKINS,</b>	) Case No.
	)
Plaintiff,	) <b>COMPLAINT FOR VIOLATION</b>
	) <b>OF FEDERAL FAIR DEBT</b>
vs.	) <b>COLLECTION PRACTICES ACT</b>
	) <b>AND INVASION OF PRIVACY</b>
<b>LVNV FUNDING, LLC,</b>	)
	)
Defendant.	)
	)

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**I. NATURE OF ACTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

COMPLAINT FOR VIOLATIONS OF THE FAIR  
DEBT COLLECTION PRACTICES ACT-5

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3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**  
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7 3. Plaintiff, Duane Hopkins, is a natural person residing in the State of  
8 Washington, County of Pend Oreille, and City of Newport.

9 4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §  
10 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).  
11

12 5. At all relevant times herein, Defendant, LVNV Funding, LLC,  
13 (“Defendant”) was a limited liability company engaged, by use of the mails and  
14 telephone, in the business of attempting to collect a “debt” from Plaintiff, as  
15 defined by 15 U.S.C. §1692a(5).  
16  
17

18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §  
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).  
20

21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,  
23 including within the one year preceding the filing of this complaint, Defendant  
24 contacted Plaintiff in an attempt to collect an alleged outstanding debt.  
25 Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways,  
26  
27

1 including but not limited to communicating or threatening to communicate credit  
2 information which is known or which should be known to be false, including  
3 continuing to report after dispute a debt Defendant knows or should know does  
4 not belong to Plaintiff (§ 1692e(8)).  
5

6  
7 **COUNT I: VIOLATION OF FAIR DEBT**  
8 **COLLECTION PRACTICES ACT**

9 8. Plaintiff reincorporates by reference all of the preceding paragraphs.

10 **PRAYER FOR RELIEF**

11  
12 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
13 against the Defendant for the following:  
14

- 15 A. Declaratory judgment that Defendant's conduct  
16 violated the FDCPA;  
17 B. Actual damages;  
18 C. Statutory damages;  
19 D. Costs and reasonable attorney's fees; and,  
20 E. For such other and further relief as may be just and proper.

21 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**  
22 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**  
23 **CONSUMER PROTECTION ACT**  
24

25 9. Plaintiff reincorporates by reference all of the preceding paragraphs.  
26

27 **PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiff respectfully prays that judgment be entered  
2 against the Defendant for the following:  
3

- 4 A. Actual damages;  
5 B. Discretionary Treble Damages;  
6 C. Costs and reasonable attorney's fees,  
7 D. For such other and further relief as may be just and proper.  
8

9 Respectfully submitted this 17<sup>th</sup> day of March, 2009.  
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11

12 s/Jon N. Robbins  
13 Jon N. Robbins  
14 WEISBERG & MEYERS, LLC  
15 Attorney for Plaintiff  
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